

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 2nd day of October, 2018, the following Ordinance:

ORDINANCE NO. 2969

AN ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF GULFPORT, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES

WHEREAS, the City of Gulfport, Mississippi, is a duly organized and incorporated municipality pursuant to Section 21-8-1, et seq., of the Mississippi Code of 1972 (as amended); and

WHEREAS, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities in the State of Mississippi to establish "Leisure and Recreation Districts" and to designate the geographic areas included within and the boundaries of said districts; and

WHEREAS, the Governor signed House Bill 1223 into law, and the same was effective on and after July 1, 2016; and

WHEREAS, House Bill 1223 requires that an Ordinance which establishes a "Leisure and Recreation District" shall "include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district" as well as a description of the "manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district" and

WHEREAS, municipalities which create "Leisure and Recreation Districts" authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the "Leisure and Recreation District" to allow patrons to leave the licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated "Leisure and Recreation District"; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has determined and hereby finds that the City of Gulfport, Mississippi, would benefit from the establishment of a "Leisure and Recreation District" within the City of Gulfport, generally in the Mississippi City area, by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has further determined that establishment of a "Leisure and Recreation District" in the Mississippi City area would be in the best interests of the City of Gulfport; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a "Leisure and Recreation District" is a privilege and not a right and is subject at all times to reasonable regulation; and

WHEREAS, subject to the terms and limitations of House Bill 1223 (2016 Legislative Session) and this Ordinance, the City of Gulfport hereby establishes a "Leisure and Recreation District" in the Mississippi City area as more fully set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. *Creation and establishment of district.* Under the authority granted in Section 1 of House Bill 1223 (2016 Legislative Session), there is hereby established a "Leisure and Recreation District" in the City of Gulfport within the geographic areas and within such boundaries as are set forth and designated herein and as represented on the geo-referenced Map which is attached hereto as Exhibit 1 and fully incorporated herein.

SECTION 2. *Name and boundaries of district.* The "Leisure and Recreation District" established herein shall be known as the "Mississippi City Social District" (hereinafter "the District") and shall have the following as its boundaries:

See Exhibit "A" hereto.

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on premise **retail** alcoholic beverage **permittee (hereinafter, "permittee") located within** the District shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

- A. A person may not enter a licensed premise with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.
- B. A permittee located in the District shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup, not larger than 16 fluid ounces in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.
- C. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- D. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by the City upon request of the permittees.

- E. Nothing in this ordinance shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.

SECTION 4. *Light wine and beer.* Within the boundaries of the District, the removal of light wine and beer in glass containers or bottles from the licensed premises of a permittee is strictly prohibited. However, a permittee may allow light wine and beer to be removed from the licensed premises in a paper or plastic cup, not larger than 16 fluid ounces in size.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Police Department. In addition, the Police and Fire Departments shall provide public safety services within the District in the same manner it provides those services in the remainder of the City.

SECTION 6. *Definition of alcoholic beverages.* For the purposes of this Ordinance, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

SECTION 7. The City reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time, with or without notice.

SECTION 8. All ordinances or parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the "Leisure and Recreation District" created herein.

SECTION 9. Upon receiving unanimous vote of the members of the City Council, this ordinance shall be in full force and effect immediately, because it serves the public peace, health and safety of the citizens of Gulfport and will immediately encourage enhancement of the tourism industry in the City of Gulfport, which has been damaged by Hurricane Katrina and the Deepwater Horizon Oil Spill. It shall be published according to law, spread on the minutes of the Gulfport City Council, and the Council Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Pucheu, seconded by Councilmember Casey, and was adopted by the following roll call vote:

***Councilmember Sharp recused and removed himself from the Chambers during the discussion and vote on this item.**

YEAS:

Casey

Roland

Holmes-Hines

Walker

Flowers

Pucheu

NAYS:

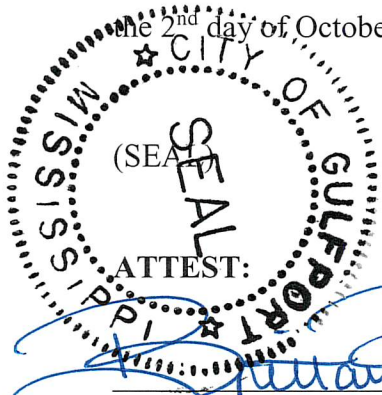
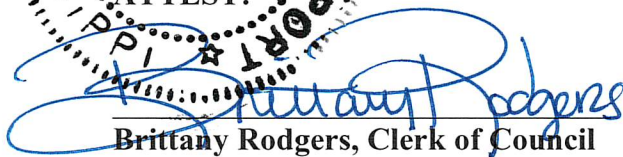
None

ABSENT:

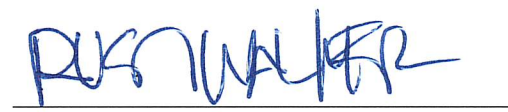
Sharp (recused)

WHEREUPON the President declared the motion carried and the Ordinance adopted, this

the 2nd day of October, 2018.


ATTEST:

Brittany Rodgers, Clerk of Council

ADOPTED:


F.B. "Rusty" Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor,
this the 3rd day of October, 2018.

APPROVED:

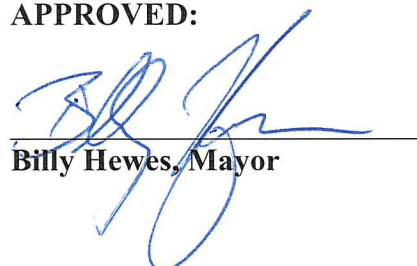

Billy Hewes, Mayor

EXHIBIT A

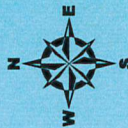
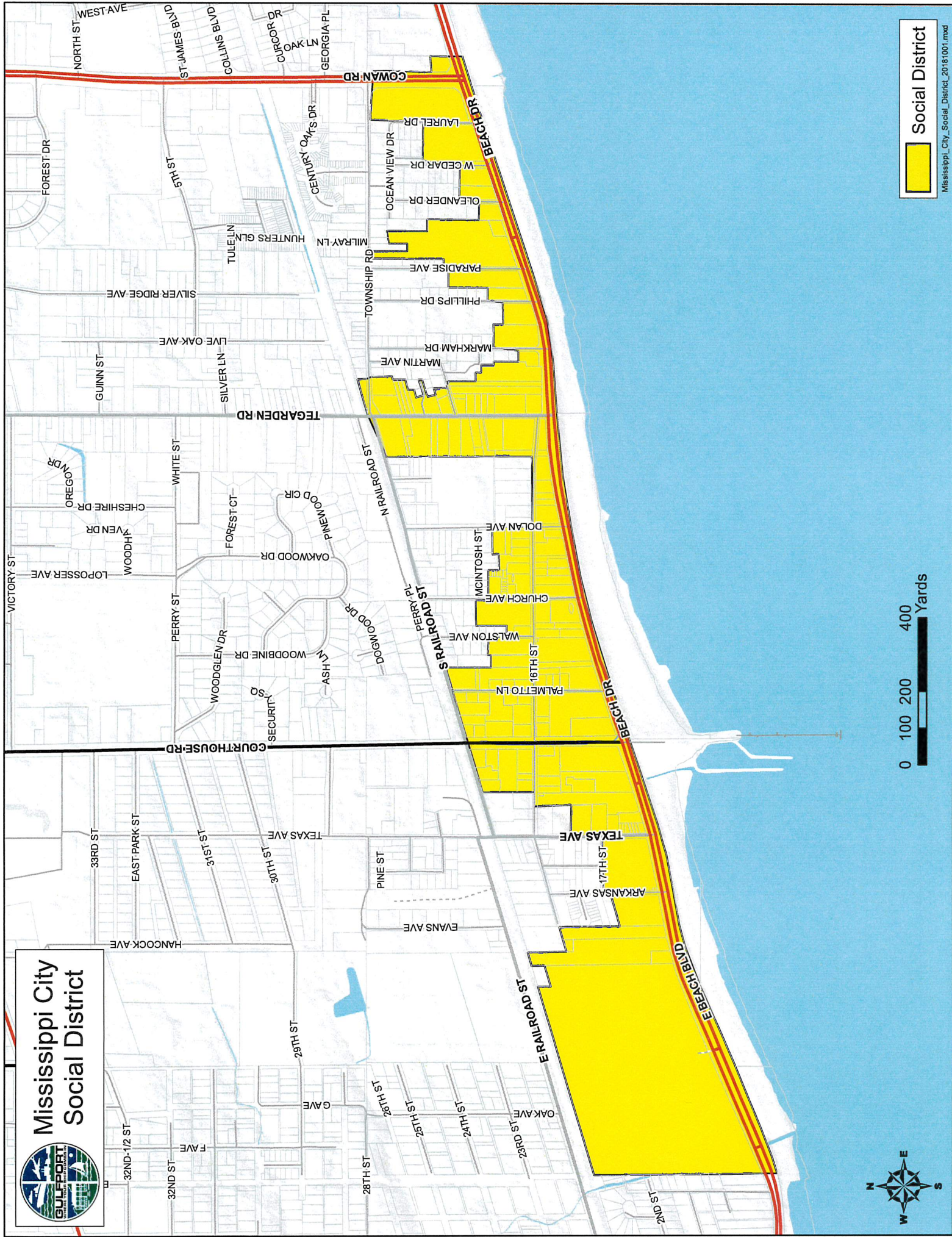
MISSISSIPPI CITY SOCIAL DISTRICT

Begin at the northwest corner of tax parcel 0911B-02-055.000;
Thence east along the northern boundary of tax parcels 0911B-02-055.000, 0911B-02-055.001, and 0911B-02-054.000;
Thence south along the eastern boundary of tax parcel 0911B-02-054.000 to the northwest corner of tax parcel 0911B-02-054.002;
Thence east along the northern boundary of tax parcels 0911B-02-054.002 and 0911B-02-052.000;
Thence south to the northwest corner of tax parcel 0911B-02-051.000;
Thence east along the northern boundary of tax parcel 0911B-02-051.000 and across Arkansas Avenue to the northwest corner of tax parcel 0911B-02-022.000;
Thence east along the northern boundary of tax parcel 0911B-02-022.000 to the northeast corner of tax parcel 0911B-02-022.000;
Thence east across Texas Avenue to a point due east of the northeast corner of tax parcel 0911B-02-022.000 and on the west boundary of tax parcel 0911B-02-009.001;
Thence north along the east side of Texas Avenue to the northwest corner of tax parcel 0911B-02-009.002;
Thence east along the north boundary of tax parcel 0911B-02-009.002 to the northeast corner of said parcel;
Thence north to the north side of 16 th Street;
Thence east to the southwest corner of tax parcel 0911B-02-005.000;
Thence north to the north side of South Railroad Street;
Thence east to the northeast corner of tax parcel 0911A-02-082.000;
Thence south to the northwest corner of tax parcel 0911A-02-088.000;
Thence east to the northeast corner of tax parcel 0911A-02-088.000;
Thence south to the southwest corner of tax parcel 0911A-02-074.000;
Thence east to the southeast corner of tax parcel 0911A-02-074.000;
Thence north to the northwest corner of tax parcel 0911A-02-063.000;
Thence east to the northeast corner of tax parcel 0911A-02-063.000;
Thence south along the west boundary of Church Avenue to a point west of the southern boundary of tax parcel 0911A-02-059.000;
Thence east to the southeast corner of tax parcel 0911A-02-060.000;
Thence south to the southwest corner of tax parcel 0911A-02-061.000;
Thence east to the southeast corner of tax parcel 0911A-02-062.000;
Thence north along the east boundary of tax parcel 0911A-02-062.000 to the northeast corner of said parcel;
Thence east to the northeast corner of tax parcel 0911A-02-050.001;
Thence south along the western boundary of Dolan Avenue to the southern boundary of 16 th Street;
Thence east along the southern boundary of 16 th Street to the Southwest Corner of tax parcel 0911A-02-011.000;
Thence north to the north margin of South Railroad Street;
Thence east along the northern boundaries of tax parcels 1010M-03-037.001 and 1010M-03-036.000
Thence south along the eastern boundary of tax parcel 1010M-03-036.000;
Thence south across Township Road and the eastern boundary of tax parcel 1011D-03-057.000 to the southeast corner of tax parcel 1011D-03-057.000;

Thence east along the northern boundary of tax parcel 1011D-03-038.001;
Thence south along the eastern boundary of tax parcel 1011D-03-038.001 to the northwest corner of tax parcel 1011D-03-036.000;
Thence east along the irregular northern boundary of tax parcel 1011D-03-036.000;
Thence south along the irregular eastern boundary of tax parcel 1011D-03-036.000 to the southwest corner of tax parcel 1011D-03-034.002;
Thence east to the east margin of Markham Drive;
Thence east along the northern boundaries of tax parcels 1011D-03-008.000 and 1011D-03-006.001 to the northeast corner of tax parcel 1011D-03-006.001;
Thence north along Phillips Drive to a point due west of the northwest corner of tax parcel 1011D-03-004.001;
Thence east along the northern boundary of tax parcel 1011D-03-004.001;
Thence north along the western boundary of tax parcel 1011D-03-003.000 to the northwest corner of tax parcel 1011D-03-003.000;
Thence east along the northern boundary of tax parcel 1011D-03-003.000 to the east margin of Paradise Avenue and across Paradise Avenue to the southwest corner of tax parcel 1011D-01-019.000;
Thence east along the south boundary of tax parcel 1011D-01-019.000 to the southeast corner of the same parcel;
Thence north to the south margin of Township Road;
Thence east to the northeast corner of tax parcel 1010D-01-023.000;
Thence south and east (as applicable) along the irregular south and east boundaries of tax parcel 1010D-01-023.000 to the southeast corner of tax parcel 1011D-01-024.000;
Thence south to the southwest corner of tax parcel 1011D-01-030.000;
Thence east to the west margin of Oleander Drive;
Thence north along the west margin of Oleander Drive to a point due west of the southwest corner of tax parcel 1011D-01-033.000;
Thence east along the northern boundaries of tax parcels 1011D-01-033.000 and 1011D-01-047.000;
Thence east across West Cedar Drive to a point on the western margin of tax parcel 1011D-01-048.000;
Thence north to the northwest corner of tax parcel 1011D-01-048.000;
Thence east along the northern boundary of tax parcel 1011D-01-048.000 and across Laurel Drive to a point on the eastern boundary of tax parcel 1011D-01-001.000;
Thence north to the south margin of Township Road;
Thence east across the northern boundary of tax parcel 1011D-01-001.000 and across Cowan Road to the northwest corner of tax parcel 1011C-01-013.000
Thence south to the northwest corner of tax parcel 1011C-01-012.001;
Thence east along the northern boundary of tax parcel 1011C-01-012.001 to the northeast corner of said parcel;
Thence south along the eastern boundary of tax parcel 1011C-01-012.001 and continue to a point due south of the southeast corner of tax parcel 1011C-01-012.001 and located on the south side of the concrete boardwalk;
Thence east along the concrete boardwalk to the southwest corner of tax parcel 0911B-02-055.000;
Then north to the Point of Beginning.



Mississippi City Social District



Social District

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**LIST OF KNOWN PERMIT HOLDERS IN THE
EAST GULFPORT SOCIAL DISTRICT (CITY OF GULFPORT)**

<u>DBA</u>	<u>ADDRESS</u>	<u>PERMIT HOLDER</u>
Orangutang's Daiquiris & Bar	226 Courthouse Road, Gulfport, MS 39507	John J. McCarthy
White Cap Seafood Restaurant	560 Beach Blvd, Gulfport, MS 39507	White Cap Seafood Restaurant, Inc.
El Aguila Restaurant	187 Tegarden Road, Gulfport, MS 39507	El Aguila, LLC
Skeeter's Bar & Grill	197 Tegarden Road, Gulfport, MS 39507	Skeeters, LLC
Orchid Indian Cuisine	162 Tegarden Road, Gulfport, MS 39507	SAI Kitchen, LLC
Boone Dox	820 Township Road, Gulfport, MS 39507	Boone Dox, LLC
Felix's Restaurant and Oyster Bar	942 Beach Boulevard, Gulfport, MS 39507	Alex Saybe